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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,459	03/30/2004	Andre Heilper	IL920040005US1	4673

7590 09/09/2004  
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EXAMINER

LABAZE, EDWYN

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/813,459

Applicant(s)

HEILPER ET AL.

Examiner

EDWYN LABAZE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. Claims 1-25 are presented for examination.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-12, 14-16, and 18-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Lindsey et al. (U.S. 5,063,507).

Re claims 1, 7: Lindsey et al. discloses goods database employing electronic title or documentary-type title, which includes means of electronically receiving new ownership information [from the buyer's terminal 18 through the network 46; as shown in fig. # 1] about at least one item [herein disclosed as a cotton bale] to be physically transferred to a new owner (col.3, lines 50+); electronically registering ownership of the at least one item to the new owner (col.11, lines 29-67); and when requested, providing verification that an entity selling an item of interest is registered as the owner of the item (col.13, lines 4+). Lindsey et al. further discloses means of generating a certificate of authenticity [herein referred as an electronic title verifying ownership of the traded/sold item] of the item to be verified if the item identification code is registered to the possible/buyer (col.5, lines 5-56; see claim 7; col.27, lines 37+).

Re claims 2, 10, and 20-21: Lindsey et al. teaches a system and method, wherein the electronic transferring comprises communicating along a substantially secure communications

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line (such as the Internet, Satellite network or wired network herein described as reference 46 in fig. # 1; col.3, lines 60+).

Re claims 3 and 8: Lindsey et al. discloses a system and method, comprising having a unique article number assigned to each the at least one item (col.5, lines 25-56; col.7, lines 1-40).

Re claims 4-5: Lindsey et al. teaches a system and method also comprising having the unique article number encoded [Lindsey et al. teaches that a ticket is associated with each cotton bale, wherein encoded information {in the form of a bar code} contains records a unique identification number related to each cotton bale, warehouse code, and the like]; and wherein the unique article number encoded is a bar code (col.7, lines 1-40).

Re claims 6, 9, and 14: Lindsey et al. discloses a system and method, wherein the entity is a store [which is the gin 9 as in fig. # 1].

Re claim 11: Lindsey et al. discloses a system and method comprising of means of reading [using a hand-held scanner to read the bar code of the ticket] a label on an item (col.4, lines 35+; col.5, lines 29+; col.7, lines 31+); and providing a certificate of authenticity [herein referred as an electronic title verifying ownership of the traded/sold item; see claim 7; col.5, lines 5-56; col.27, lines 37+] of the item if an identification code encoded in the label and identifying the item is registered by a third party authority [herein disclosed as the warehouse 11 as shown in fig. # 1] to a store [which is the gin 9 as in fig. # 1] from which the item was bought (col.4, lines 56-57; col.7, lines 19+; col.8, lines 38+).

Re claims 12 and 16: Lindsey et al. teaches a system and method, wherein the electronically reading comprises scanning the label with a bar code reader (col.4, lines 35+; col.5, lines 29+; col.7, lines 31+).

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Re claim 15: Lindsey et al. discloses a system and method, comprising in a store, electronically reading a label on a desired item; transmitting an item identification code encoded in the read label to an authentication unit (col.4, lines 15-52); receiving an indication [in the form of message as a response of a validation check] from the authentication unit whether or not the item identification code registered to the store; and if the indication is positive [as to if the test, performed to authenticate the owner, passes], generating a certificate of authenticity for the desired item (col.9, lines 5-34).

Re claims 18 and 22: Lindsey et al. teaches a system and method, comprising of a storage unit [such as the magnetic tape 24 or a punch card 21; as shown in fig. # 1] to store information about authentic items and their authorized owners (col.5, lines 10+); and a unit to receive queries regarding an item and a holder of the item and to provide verification of authenticity of the item, if the holder is registered in the storage unit as the authorized owner of the item (col.11, lines 12-67; col.18, lines 1+). Lindsey et al. further discloses a system and method comprising of means of reading [using a hand-held scanner to read the bar code of the ticket] a label on an item (col.4, lines 35+; col.5, lines 29+; col.7, lines 31+).

Re claim 23: Lindsey et al. discloses a system and method comprising a display unit [through the screen of terminal 18] to display verification or denial of authenticity, according to results of the query (col.11, lines 47+).

Re claim 24: Lindsey et al. teaches a system and method also comprising a printer 23 to print a certificate of authenticity, if the results of the query are positive (col.3, lines 10+).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 13, 17, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindsey et al. (U.S. 5,063,507) in view of Bridgelall et al. (U.S. 6,415,982).

The teachings of Lindsey et al. have been discussed above.

Lindsey et al. discloses usage of a bar code reader, but fails to teach whether the identification code and/or the reader is a one-dimensional bar code, a two-dimensional bar code, an RFID tag and a magnetic tag.

Bridgelall et al. discloses triggered data collection and data transmitter, which includes a one-dimensional bar code 14 (see fig. # 3; col.6, lines 15+), and reader 10 (also see claim 15; col.15, lines 10+).

In view of Bridgelall et al.'s teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ into the teachings of Lindsey et al. a tag/label with an identification code [as taught by Lindsey et al.] and wherein the code is one of the code such as a one-dimensional bar code, a two-dimensional bar code, an RFID tag and a magnetic tag. Furthermore, such code is well known in the art [wherein the code is read and data transmitted by a specific/appropriate reader/scanner, such as a wireless reader would receive and transmit data from an RFID tag taught by Bridgelall et al; a two-dimensional code and reader as disclosed by Kouchi et al. in U.S. 5,541,394; and the like] and such

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modification would provide a means of using different types of UPC codes along with means of reading and transmitting collected data for the code. Moreover, such modification would have been an obvious extension as taught by Lindsey et al., therefore an obvious expedient.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kouchi et al. (U.S. 5,541,394) discloses delivery service management system.

Daniels et al. (U.S. 5,758,126) teaches customizable bi-directional EDI translation system.

Guidice et al. (U.S. 6,463,420) discloses online tracking of delivery status information over a computer network.

Morgan (US 2002/0133703) discloses on-line certificate of authenticity for collectibles cross-reference to related applications.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571) 272-2395.

The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

el  
Edwyn Labaze  
Patent Examiner  
Art Unit 2876  
September 1, 2004



**THIEN M. LE**  
**PRIMARY EXAMINER**